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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

GIL CROSTHWAITE, et al. as Trustees of the  
OPERATING ENGINEERS HEALTH AND  
WELFARE TRUST FUND FOR NORTHERN  
CALIFORNIA, et al.,

Plaintiffs,

v.

RYAN McCLURE EXCAVATION, INC.,

Defendant.

Case No.: C08-2403 BZ

**DECLINATION TO PROCEED BEFORE  
A MAGISTRATE JUDGE  
and  
REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: May 12, 2008

Respectfully submitted,  
SALTZMAN & JOHNSON LAW CORPORATION

/s/

\_\_\_\_\_  
Muriel B. Kaplan  
Attorneys for Plaintiffs

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE  
Case No.: C08-2403 BZ**

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On May 19, 2008, I served the following document(s):

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE  
and  
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Ryan McClure Excavation, Inc.  
419 Hodson Road  
Copperopolis, California 95228**

**Ryan McClure  
Ryan McClure Excavation, Inc.  
P.O. Box 88  
Cooperopolis, CA 95228**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 19<sup>th</sup> day of May, 2008 at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Diana Sage